MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

With documents concerning the settlement of the Boundary Line between New York and New Jersey.

April 3, 1834.

Read, and ordered to be printed, and referred to the Committee on the Judiciary.

Washington, *April* 2, 1834.

To the Senate and House of Representatives:

I lay before Congress a communication from the Governor of New Jersey, and a copy of a communication from the Governor of New York, addressed to me with the view of obtaining the consent of Congress to an agreement which has been entered into by the States of New York and New Jersey to settle the boundary line between those States. The agreement and authenticated copies of the acts of the Legislatures of New York and New Jersey relating to it, are also transmitted.

ANDREW JACKSON.

State of New Jersey,

Executive Department, March 20, 1834.

To the President of the United States:

Sir: Under the direction of the Legislative Council and General Assembly of the State of New Jersey, I transmit to you a copy of an act passed by them on the 26th of February last, entitled "An act to ratify and confirm an agreement made between the commissioners appointed by the Governor of the State of New York and the commissioners appointed by the Governor of the State of New Jersey, respecting territorial limits and jurisdiction between the said States," together with a duplicate copy of the said agreement; and request that you will cause the same to be laid before the two Houses of Congress for their consent.

I have the honor to be,
With the highest respect,
Your obedient servant,
P. D. VROOM.

STATE OF NEW YORK,

Executive Department, Albany, March 24, 1834.

SIR: A dispute has long existed between the States of New York and New Jersey concerning their respective boundaries and jurisdiction, and commissioners were appointed last year, by each, for the purpose of settling it.

The agreement which they might make was to be submitted to the Legislature of each State, and if sanctioned by them, and approved by the Congress of the United States, it was to be conclusive. I have the honor to transmit herewith the agreement concluded by the commissioners, and certified copies of acts of the Legislatures of both States confirming it. Only the approbation of Congress is now wanting to complete the adjustment.

I take the liberty to request your excellency to make such a disposition of them as you may deem proper, in order to secure the approval of that body.

I have the honor to be,
Your excellency's obedient servant,
W. L. MARCY.

To his Excellency ANDREW JACKSON,
President of the United States.

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay, and Henry Seymour, commissioners duly appointed on the part and behalf of the State of New York in pursuance of an act of the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New York and the State of New Jersey," passed January 18th, 1833, of the one part; and Theodore Frelinghuysen, James Parker, and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the State of New Jersey, in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New Jersey and New York," passed February 6th, 1833, of the other part.

ARTICLE I.

The boundary line between the two States of New York and New Jersey, from a point in the middle of Hudson river opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river of the bay of New York, of the waters between Staten island and New Jersey, and of Raritan bay, to the main sea; except as hereinafter otherwise particularly mentioned.

ARTICLE II.

The State of New York shall retain its present jurisdiction of and over Bedlow's and Ellis's islands; and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that State.

ARTICLE III.

The State of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New York, and of and over all the waters of Hudson river lying west of Manhattan island, and to the south of the mouth of Spuytenduyvel creek; and of and over the lands covered by the said waters to the low-water-mark on the westerly or New Jersey side thereof, subject to the following rights of property, and of jurisdiction of the State of New Jersey; that is to say:

1. The State of New Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan island and New Jersey.

2. The State of New Jersey shall have the exclusive jurisdiction of and over the wharves, docks, and improvements, made and to be made, on the shore of the said State; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York, which now exist, or which may hereafter be passed.

3. The State of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters; provided that the navigation be not obstructed or hindered.

ARTICLE IV.

The State of New York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten island and New Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws, and laws relating to passengers, as now exist, or may hereafter be passed under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the sound from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said State of New York.

ARTICLE V.

The State of New Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound between Staten island and New Jersey, lying south of Woodbridge creek; and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay, to the mouth of Mattavan creek; subject to the following rights of property and of jurisdiction of the State of New York; that is to say:

1. The State of New York shall have the exclusive right of property in and to the land under water lying between the middle of the said waters and Staten island.

2. The State of New York shall have the exclusive jurisdiction of and over the wharves, docks, and improvements, made and to be made, on the shore of Staten island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New Jersey, which now exist, or which may hereafter be passed.

3. The State of New York shall have the exclusive right of regulating the fisheries between the shore of Staten island and the middle of the said

waters; provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE VI.

Criminal process issued under the authority of the State of New Jersey against any person accused of an offence committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid; or committed against the regulations made or to be made by that State in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground upon, or fastened to, the shore of the State of New York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure by virtue of process or authority of the State of New York.

ARTICLE VII.

Criminal process issued under the authority of the State of New York against any person accused of an offence committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid; or committed against the regulations made or to be made by that State in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the State of New York against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to, the shore of the State of New Jersey, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New Jersey.

ARTICLE VIII.

This agreement shall become binding on the two States when confirmed by the Legislatures thereof, respectively, and when approved by the Congress of the United States.

Done in four parts, (two of which are retained by the commissioners of New York to be delivered to the Governor of that State, and the other two of which are retained by the commissioners of New Jersey, to be delivered to the Governor of that State,) at the City of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty three, and of the independence of the United States the fifty-eighth.

B. F. BUTLER.
PETER AUGUSTUS JAY.
HENRY SEYMOUR.
THEO FRELINGHUYSEN.
JAMES PARKER.
LUCIUS Q. C. ELMER.

STATE OF NEW JERSEY.

An act to ratify and confirm an agreement between the Commissioners appointed by the Governor of the State of New York, and the Commissioners appointed by the Governor of the State of New Jersey, respecting the territorial limits and jurisdiction between the said States.

Whereas commissioners duly appointed on the part of the State of New York, and commissioners duly appointed on the part of the State of New Jersey, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two States, have executed certain articles, two copies for each State, which are contained in the following words:

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay, and Henry Seymour, commissioners duly appointed on the part and behalf of the State of New York, in pursuance of an act of the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New York and the State of New Jersey," passed January eighteenth, eighteen hundred and thirty three, of the one part, and Theodore Frelinghuysen, James Parker, and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the State of New Jersey, in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New Jersey and New York," passed February sixth, eighteen hundred and thirty-three, of the other part.

Article I.

The boundary line between the two States of New York and New Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river of the bay of New York, of the waters between Staten Island and New Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

Article II.

The State of New York shall retain its present jurisdiction of and over Bedlow's and Ellis's islands; and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that State.

Article III.

The State of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New York, and of and over all the waters of Hudson river lying west of Manhattan Island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New Jersey side thereof; subject to the following rights of property, and of jurisdiction of the State of New Jersey; that is to say:

1. The State of New Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan Island and New Jersey.

2. The State of New Jersey shall have the exclusive jurisdiction of and over the wharves, docks, and improvements, made and to be made, on the shore of the said State, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York, which now exist, or which may hereafter be passed.

3. The State of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

Article IV.

The State of New York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten Island and New Jersey, to the westernmost end of Shooter's Island, in respect to such quarantine laws, and laws relating to passengers, as now exist, or may hereafter be passed, under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the sound, from the westernmost end of Shooter's Island to Woodbridge creek, as to all vessels bound to any port in the said State of New York.

Article V.

The State of New Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound, between Staten Island and New Jersey, lying south of Woodbridge creek, and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay, to the mouth of Mattavan creek, subject to the following rights of property and of jurisdiction of the State of New York; that is to say:

1. The State of New York shall have exclusive right of property in and to the land under water lying between the middle of said waters and Staten Island.

2. The State of New York shall have the exclusive jurisdiction of and over the wharves, docks, and improvements, made and to be made, on the shore of Staten Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New Jersey, which now exist, or which may hereafter be passed.

3. The State of New York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

Article VI.

Criminal process issued under the authority of the State of New Jersey against any person accused of an offence committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid, or committed against the regulations made, or to be made, by that State in relation to the fisheries mentioned in the third article; and, also, civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property

taken out of that State to evade the laws thereof, may be served upon any of the said waters, within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground upon or fastened to the shore of the State of New York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New York.

ARTICLE VII.

Criminal process issued under the authority of the State of New York against any person accused of an offence committed within that State, or committed on board of any vessel being within the exclusive jurisdiction of that State as aforesaid, or committed against the regulations made, or to be made, by that State in relation to the fisheries mentioned in the fifth article; and, also, civil process issued under the authority of the State of New York against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to, the shore of the State of New Jersey, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

ARTICLE VIII.

This agreement shall become binding on the two States when confirmed by the Legislatures thereof, respectively, and when approved by the Congress of the United States.

Done in four parts, (two of which are retained by the commissioners of New York to be delivered to the Governor of that State, and the other two of which are retained by the commissioners of New Jersey to be delivered to the Governor of that State,) at the city of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States the fifty-eighth.

B F. BUTLER.
PETER AUGUSTUS JAY.
HENRY SEYMOUR.
THEO. FRELINGHUYSEN.
JAMES PARKER.
LUCIUS Q. C. ELMER.

Therefore,

Be it enacted by the Council and General Assembly of the State, and it is hereby enacted by the authority of the same, That the aforesaid agreement, and every article, clause, matter, and thing, therein contained, shall be, and the same is hereby, fully and amply ratified and confirmed on the part of the State of New Jersey.

HOUSE OF ASSEMBLY, *February* 26, 1834.

This re-engrossed bill having been read as amended in Council, and compared,

Resolved, That the same do pass.

By order of the House:

DANIEL B. RYALL,
Speaker of the House of Assembly.

In Council, *February* 26, 1834.

This re engrossed bill having been three times read in the Council,
Resolved, That the same do pass.

By order of the Council:

MAHLON DICKERSON,
Vice President of Council.

New Jersey, *ss.*

I, James D. Westcott, Secretary of the State of New Jersey, do certify the foregoing to be a true transcript of one of the laws of said State, and entitled "An act to ratify and confirm an agreement made between the commissioners appointed by the Governor of the State of New York, and the commissioners appointed by the Governor of the State of New Jersey, respecting the territorial limits and jurisdiction between the said States," passed February twenty sixth, A. D. eighteen hundred and thirty-four: taken from the original on file in my office.

Given under my hand, and seal of office, at the city of Trenton, this seventh day of March, A. D. one thousand eight hundred and thirty-four.

[L. S.]

JAMES D. WESTCOTT.

State of New Jersey.

By Peter D. Vroom, Governor of the State of New Jersey:

It is hereby certified that the preceding exemplification of an act of the Legislature of this State is authenticated in due form, and by the proper officer.

In testimony whereof, I have hereto affixed the great seal of this State. Witness my hand, at the city of Trenton, this tenth day of March, in the year of our Lord one thousand eight hundred and thirty four, and of the independence of the United States the fifty-eighth.

[L. S.]

P. D. VROOM.

An act to confirm the agreement entered into by the Commissioners appointed by this State, and Commissioners appointed by the State of New Jersey, to settle the boundary line between New York and New Jersey. [Passed, February 5, 1834.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The agreement entered into between the Commissioners appointed by this State and the Commissioners appointed by the State of New Jersey, to settle the boundary line between New York and New Jersey, in the words following, viz.

Agreement made between the Commissioners on the part of the State of New York and the Commissioners on the part of the State of New Jersey relative to the boundary line betwern the two States.

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay, and Henry Seymour, commissioners duly appointed on the part and behalf of the State of New York, in pursuance of an act of

the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New York and the State of New Jersey," passed January 18th, 1833, of the one part; and Theodore Frelinghuysen, James Parker, and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the State of New Jersey in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New Jersey and New York," passed February 6th, 1833, of the other part.

ARTICLE I.

The boundary line between the two States of New York and New Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New York, of the waters between Staten Island and New Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE II.

The State of New York shall retain its present jurisdiction of and over Bedlow's and Ellis's islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters abovementioned, and now under the jurisdiction of that State.

ARTICLE III.

The State of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New York, and of and over all the waters of Hudson river, lying west of Manhattan island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New Jersey side thereof; subject to the following rights of property and of jurisdiction of the State of New Jersey; that is to say:

1. The State of New Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan Island and New Jersey.

2. The State of New Jersey shall have the exclusive jurisdiction of and over the wharves, docks, and improvements, made and to be made, on the shores of the said State, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York, which now exist, or which may hereafter be passed.

3. The State of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

ARTICLE IV.

The State of New York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull between Staten Island and New Jersey, to the westernmost end of Shooter's island, in respect of such quarantine laws, and laws relating to passengers, as now exist, or may hereafter be passed under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction, for the like purposes, of and over the

waters of the sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said State of New York.

Article V.

The State of New Jersey shall have and enjoy exclusive jnrisdiction of and over all the waters of the sound between Staten island and New Jersey, lying south of Woodbridge creek; and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay to the mouth of Mattavan creek; subject to the following rights of property and of jurisdiction of the State of New York:

1. The State of New York shall have the exclusive right of property in and to the land under water lying between the middle of the said waters and Staten island.

2. The State of New York shall have the exclusive jurisdiction of and over the wharves, docks, and improvements, made and to be made, on the shore of Staten island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New Jersey, which now exist, or which may hereafter be passed.

3. The State of New York shall have the exclusive right of regulating the fisheries between the shore of Staten island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

Article VI.

Criminal process issued under the authority of the State of New Jersey against any person accused of an offence committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid, or committed against the regulations made or to be made by that State in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground upon, or fastened to, the shore of the State of New York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New York.

Article VII.

Criminal process issued under the authority of the State of New York against any person accused of an offence committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid, or committed against the regulations made or to be made by that State in relation to the fisheries mentioned in the fifth article, and also civil process issued under the authority of the State of New York against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to, the shore of the State of New Jersey, or fastened to a wharf adjoining

thereto, or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New Jersey.

ARTICLE VIII.

This agreement shall become binding on the two States when confirmed by the Legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the Commissioners of New York, to be delivered to the Governor of that State, and the other two of which are retained by the Commissioners of New Jersey, to be delivered to the Governor of that State) at the city of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States the fifty-eighth.

B. F. BUTLER.
PETER AUGUSTUS JAY.
HENRY SEYMOUR.
THEO. FRELINGHUYSEN.
JAMES PARKER.
LUCIUS Q. C. ELMER.

—Is hereby ratified and confirmed on the part of the State of New York.

STATE OF NEW YORK,
In Senate, January 31, 1834.

This bill having been read the third time,
Resolved, That the bill do pass.
By order of the Senate:

JOHN TRACY, *President.*

STATE OF NEW YORK,
In Assembly, February 3, 1834.

This bill having been read the third time,
Resolved, That the bill do pass.
By order of the Assembly:

WILLIAM BAKER, *Speaker.*

Approved 5th February, 1834:

W. L. MARCY.

STATE OF NEW YORK, *Secretary's Office*:

I have compared the preceding with an original act of the Legislature of this State on file in this office, and do certify that the same is a correct transcript therefrom, and of the whole of said original.

Given under my hand and seal of office, at the city of Albany, [SEAL.] the nineteenth day of March, in the year of our Lord one thousand eight hundred and thirty-four.

JOHN A. DIX, *Secretary.*

By William L. Marcy, Governor of the State of New York:

It is hereby certified that the preceding exemplification is authenticated in due form, and by the proper officer.

In testimony whereof, I have caused the great seal of this State to be hereunto affixed. Witness my hand at the city of Albany, [SEAL.] the nineteenth day of March, in the year of our Lord one thousand eight hundred and thirty-four.

W. L. MARCY.

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DURST

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